

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

EMPLOYERS AND CEMENT MASONS)

#90 PENSION FUND and HEALTH)

AND WELFARE FUND,)

Plaintiffs,)

VS.)

No. 05-CV-611

JPK EXCAVATING, INC.,)

Defendant.)

ORDER

This cause coming to be heard on Plaintiffs' Motion for Default Judgment or in the Alternative Motion for an Accounting/Evidentiary Hearing, and the Court having reviewed said Motion and other pleadings, and the Complaint having been duly filed and served upon Defendant, JPK EXCAVATING, INC., and that the Defendant has failed to answer or otherwise plead within the statutory time frame, the Plaintiffs are hereby awarded a Default Judgment against Defendant, JPK EXCAVATING, INC., as follows:

A. Defendant, JPK EXCAVATING, INC., is hereby ordered to appear and produce any payroll books and employee records, including but not limited to, monthly contribution reporting forms for the period of September 2004 and November 2004 through current, at the law office of Cavanagh & O'Hara, 1609 North Illinois Street, Swansea, Illinois, 62226 on or before March 30, 2006.

B. Should Defendant, JPK EXCAVATING, INC., fail to appear and produce the aforementioned documents on March 30, 2006, Defendant will be required to appear before this Honorable Court and provide Plaintiffs the applicable payroll books and employee records,

including but not limited, to monthly contribution reporting forms for the period of September 1, 2004 and November 2004 through current, in order to determine the total amounts due for unpaid employee contributions to the Plaintiffs.

C. The Plaintiffs shall notify the Court immediately should Defendant appear at the law office of Cavanagh & O'Hara on or before March 30, 2006 and produce the applicable payroll records and employee records.

D. The Court reserves ruling on Plaintiff's Motion for Default Judgment until an accounting of all monies determined to be due and owing has taken place. Plaintiff is directed to notify the Court of the actual amount owed for unpaid employee contributions when the same has been determined.

ENTERED this 27th day of February, 2006.

s/WILLIAM D. STIEHL

United States District Judge